

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: ETHICON, INC.,  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION

MDL No. 2327

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THIS DOCUMENT RELATES TO:

*Austin, et al. v. Johnson & Johnson, et al.*

Civil Action 2:12-cv-03187

**ORDER**  
**(*Motion to Dismiss*)**

Pending before the court is the defendants Ethicon, Inc. and Johnson & Johnson's (collectively, the "defendants") motion to dismiss [Docket 4].

The plaintiffs have neither served the defendants nor complied with Pretrial Order # 20 within 120 days after filing the complaint. *See* Fed. R. Civ. P. 4(m); (Pretrial Order # 20, *In re: Ethicon, Inc. Pelvic Repair System Products Liability Litigation*, No. 2:12-md-2327, available at [http://www.wvsc.uscourts.gov/MDL/ethicon/pdfs/PTO\\_20.pdf](http://www.wvsc.uscourts.gov/MDL/ethicon/pdfs/PTO_20.pdf)). The plaintiffs did not file a response to the instant motion and, thus, have not demonstrated good cause warranting an extension for time to serve. *See* Fed. R. Civ. P. 4(m). Whether or not this court is permitted to grant an extension without a showing of good cause, the plaintiffs have failed to request such relief here. Therefore, the defendants' motion to dismiss is **GRANTED**.

The court **DIRECTS** the clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 23, 2015

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE